

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

## PCT

### NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

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RECEIVED

AUG 20 2001

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LOS ANGELES

Date of Mailing  
(day/month/year)

16 AUG 2001

Applicant's or agent's file reference

42390.P6874

International application No.

PCT/US00/17664

International filing date (day/month/year)

26 JUNE 2000

Priority Date (day/month/year)

08 JULY 1999

Applicant

INTEL CORPORATION

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

#### 4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/US  
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# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>42390.P6874</b>	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. <b>PCT/US00/17664</b>	International filing date (day/month/year) <b>26 JUNE 2000</b>	Priority date (day/month/year) <b>08 JULY 1999</b>
International Patent Classification (IPC) or national classification and IPC <b>IPC(7): G06F 9/46 and US Cl.: 709/102 712/245</b>		
Applicant <b>INTEL CORPORATION</b>		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 3 sheets.  
☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  
 These annexes consist of a total of 0 sheets.

3. This report contains indications relating to the following items:
  - I ☒ Basis of the report
  - II ☐ Priority
  - III ☐ Non-establishment of report with regard to novelty, inventive step or industrial applicability
  - IV ☐ Lack of unity of invention
  - V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - VI ☐ Certain documents cited
  - VII ☐ Certain defects in the international application
  - VIII ☐ Certain observations on the international application

Date of submission of the demand  <b>01 FEBRUARY 2001</b>	Date of completion of this report  <b>09 JULY 2001</b>
Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231  Facsimile No. (703) 305-3230	Authorized officer <i>Peggy Hancock</i> <b>LARRY DONAGHUE</b>  Telephone No. (703) 305-9675

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US00/17664

## I. Basis of the report

## 1. With regard to the elements of the international application:\*

☒ the international application as originally filed☒ the description:

pages 1-33 , as originally filed  
pages NONE , filed with the demand  
pages NONE , filed with the letter of \_\_\_\_\_

☒ the claims:

pages 34-44 , as originally filed  
pages NONE , as amended (together with any statement) under Article 19  
pages NONE , filed with the demand  
pages NONE , filed with the letter of \_\_\_\_\_

☒ the drawings:

pages 1-13 , as originally filed  
pages NONE , filed with the demand  
pages NONE , filed with the letter of \_\_\_\_\_

☒ the sequence listing part of the description:

pages NONE , as originally filed  
pages NONE , filed with the demand  
pages NONE , filed with the letter of \_\_\_\_\_

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.  
These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).  
☐ the language of publication of the international application (under Rule 48.3(b)).  
☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in printed form.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority in written form.  
☐ furnished subsequently to this Authority in computer readable form.  
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of:

- ☒ the description, pages NONE  
☒ the claims, Nos. NONE  
☒ the drawings, sheets/fig NONE

5. ☐ This report has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\*Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US00/17664

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

## 1. statement

Novelty (N)	Claims <u>31-43 and 50</u>	YES
	Claims <u>1-30 and 44-49</u>	NO
Inventive Step (IS)	Claims <u>31, and 42-43</u>	YES
	Claims <u>1-30, 32-41 and 44-50</u>	NO
Industrial Applicability (IA)	Claims <u>1-50</u>	YES
	Claims <u>NONE</u>	NO

## 2. citations and explanations (Rule 70.7)

Claims 1-30 and 44-49 lack novelty under PCT Article 33(2) as being anticipated by Borkenhagen et al. ( WO 99/21082).

Borkenhagen et al. taught assigning priority of a first thread for a first duration, determining when the first duration has expired and assigning processing priority to a second thread (page 9, lines 5-25).

Borkenhagen et al. taught setting a priority level (page 19, lines 10-12), using priority bits (page 19, lines 10-12), setting the priority time period, loading a priority counter, keeping track of the duration and checking the elapsed time (page 37, claims 8-10).

Claims 32-41 and 50 lack an inventive step under PCT Article 33(3) as being obvious over the prior art as applied in the immediately preceding paragraph and further in view of Steere et al. ( A Feedback-driven proportion Allocator for Real-Rate Scheduling).

Borkenhagen et al. did not expressly detail the reprogramming of the duration period, based on the internal measurements of the system progress. Steere et al. taught the implementation and the benefit of based on the internal measurements of the system progress (pages 145 and 156).

Claims 31 and 42-43 the criteria set out in PCT Article 33(2)-(4), because the prior art does not teach or fairly suggest the increasing the first duration a predetermined amount on the conditions of lack of progress the last time the thread had processing priority and the processing priority having been switched and the predetermined restart period is set in response to a nuke or reset event.

----- NEW CITATIONS -----  
NONE